

# Salton Sea Authority Board of Directors Meeting

Thursday, September 28, 2017  
10:00 a.m.

Coachella Valley Water District  
Steve Robbins Administration Building  
75515 Hovley Lane East  
Palm Desert, CA 92260  
(760) 398-2651



**AGENDA:** **BOARD OF DIRECTORS MEETING**  
**DATE:** **Thursday, September 28, 2017**  
**10:00 a.m.**  
**LOCATION:** **Coachella Valley Water District**  
**Steve Robbins Administration Building**  
**75515 Hovley Lane East**  
**Palm Desert, CA 92260**  
**(760) 398-2651**

**I. CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**II. BOARD MEMBER COMMENTS**

*This is the time set aside for any Board Member to ask questions or address any issue posed by a member of the public.*

**III. PUBLIC COMMENTS**

*Any member of the public may address and ask questions of the Board relating to any matter within the Authority's jurisdiction. **This Public Comments time is reserved for matters not already on the agenda. The law prohibits members of the Board from taking action on matters not on the agenda.***

*Citizens are invited to speak on any item listed in the agenda upon presentation of that item.*

*Remarks shall be limited to a maximum of three (3) minutes unless additional time is authorized by the Board.*

**IV. CONSENT CALENDAR – Receive, Approve, and File**

A. Minutes of June 15, 2017

B. Warrant Register Ratification for 05/01/2017 – 06/30/2017

C. Warrant Register Ratification for 7/01/2017 – 07/31/2017

**V. PRESENTATIONS**

A. SEAthletes

**VI. ACTION ITEMS**

- A. Consider SSA position regarding Draft Stipulated Order Revising WRO 2002-0013 (revised)

**VII. REPORTS**

- A. General Manager's Report on Activities – (Phil Rosentrater, GM/Executive Director, Salton Sea Authority)
- B. Legislative Update – (Phillip Johnson, Assistant Executive Director, Salton Sea Authority)
- C. Standing Report
  - 1. FEDERAL: US Bureau of Reclamation
  - 2. STATE: Salton Sea Management Program Community Workshops – (Bruce Wilcox)
- D. Salton Sea Action Committee – (Juan DeLara, President)

**VIII. ADJOURNMENT**

**NEXT MEETING TIME & LOCATION:**

Thursday, October 26, 2017

10:00 a.m.

Imperial Irrigation District

Bill Condit Auditorium

1285 Broadway Avenue

El Centro, CA 92243

(760) 482-9618

*Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection in the lobby at the front desk of the County Law Building located at 82995 Highway 111, Indio, CA 92201.*



**OFFICIAL PROCEEDINGS**  
**SALTON SEA AUTHORITY**  
**BOARD OF DIRECTORS MEETING**  
**June 15, 2017**

**I. CALL TO ORDER**

The regularly scheduled meeting of the Salton Sea Authority (“Authority” or “SSA”) Board of Directors (“Board”) was called to order by Ryan Kelley, President, at 10:13 a.m., June 15, 2017, at the Imperial Irrigation District, Bill Condit Auditorium, 1285 Broadway Avenue, El Centro, CA 92243, (760) 760-482-9618.

**PLEDGE OF ALLEGIANCE**

Director Ryan Kelley led the Pledge of Allegiance

**ROLL CALL:**

**DIRECTORS PRESENT**

Ryan E. Kelley, President  
G. Patrick O’Dowd, Vice President  
Cástulo R. Estrada, Treasurer  
James C. Hanks, Director  
V. Manuel Perez, Director  
Altrena Santillanes, Director

**AGENCY**

Imperial County  
Coachella Valley Water District  
Coachella Valley Water District  
Imperial Irrigation District  
Riverside County  
Torres Martinez Desert Cahuilla

*In keeping with the Salton Sea Authority Bylaws, there being at least three of the five member agencies represented, and a single Director carrying the vote of both Directors when the second Director of the same agency is absent, a Quorum was declared, and the meeting proceeded.*

**DIRECTORS ABSENT**

Thomas Torte, Secretary  
Marion Ashley, Director  
Erik J. Ortega, Director  
John Renison, Director

**AGENCY**

Torres Martinez Desert Cahuilla  
Riverside County  
Imperial Irrigation District  
Imperial County

**SALTON SEA AUTHORITY STAFF PRESENT**

Phil Rosentrater, Executive Director/General Manager  
Bob Hargreaves, Best Best & Krieger, Legal Counsel

**MEMBERS OF THE PUBLIC PRESENT**

**AGENCY**

Dan Farris	CVWD
David Rangel	Water Train
Scott DeVries	Water Train
Imari Kariotis	Community Oversight Committee
Alondra Perea	Senator Hueso
Hector Araujo	Senator Hueso
Richard Cabanilla	I.C. Planning
Andy Horne	County of Imperial
Josh Zipperman	Burke Rix Communications
Tom Sephton	Sephton Water Technologies
Kay Pricola	IVVGA
Jeff Geraci	CRWQCB R-7 (Waterboard)
Pat Cooper	Supervisor Perez
Vickie Doyle	IID

**II. BOARD MEMBER COMMENTS**

- A. Director Hanks shared the questions that are being raised as IID is getting closer to their petition requests. He encouraged the agencies to pick up their phone and push for the bond to pass.
- B. Director O'Dowd commented on news of the decline of the avian population, that actions are being taken now that will help but they require funding, and the state's obligation to fund.
- C. Director Perez – The 10-year plan is not comprehensive and the funding levels are not enough – it is a first phase – we know that. Don't let the people bashing that it's not enough divide us. Locals need to keep our thinking caps on and work together openly and honestly.
- D. Director Estrada reported on a discussion that took place at a meeting that he had with Assemblymember Eduardo Garcia and IID regarding the state's 10-Year Plan.
- E. Director Santillanes commented that the Torres Martinez Desert Cahuilla are participating in the Salton Sea efforts with the Wetlands projects and continue to partner with those in their area.
- F. Director Kelly commented that that the Salton Sea Authority must continue to be actively engaged in all conversations regarding the Salton Sea, as the SSA agencies border the Sea and will be living with the outcome. The state, at this point, is being responsive, and we must continue to bring state focus to the Sea – there's more to be done.

### **III. PUBLIC COMMENTS**

- A. Imari Kariotis, who works with the Red Cross and with the SSMP oversight committee, asked that SAWPA's (Santa Ana Watershed Project Authority's) offer of brackish water be revisited.
- B. David Rangel, of The Water Train, commented on the stress the Colorado River is under. Water Train wants to help and has been working toward the numbers to be considered by the State.

### **IV. CONSENT CALENDAR – Receive, Approve, and File**

- A. Minutes of May 18, 2017
- B. Warrant Register Ratification for April 2017
- C. Internal Financial Report for: 7/01/2016 – 04/30/2017

*Director Hanks moved that the Consent Calendar be approved. **Seconded** by Director Perez. **Unanimously carried.***

### **V. PRESENTATIONS**

- A. Upgraded SSA Website Review

Phillip Johnson, Assistant Executive Director, Salton Sea Authority, demonstrated the SSA website and expressed the hope to get input from member agencies and others to include other Salton Sea activities, then entertained questions and suggestions from the Board members.

- B. Riverside and Imperial Counties Joint Project: GIS Web Portal for Renewable Energy

Phillip Johnson, Assistant Executive Director, Salton Sea Authority, demonstrated the GIS interactive map that he worked on with staff from Riverside and Imperial Counties. At the time of presentation, it had has three active maps: the odor impact map, Bureau of Reclamation's land ownership map, and a multi-layer map. He is scheduled to meet with IID's Graham Donaldson to make the map a "one stop shop" on things that people want to see and learn about the Salton Sea matters. He hopes to include data from Audubon and other agencies also.

## VI. ACTION ITEMS

### A. Consider adoption of proposed Salton Sea Authority annual budget for Fiscal Year 2017-18

Phil Rosentrater explained that the proposed budget was reviewed by the ad hoc SSA Board Committee for financial matters, who recommended adoption of this budget. He reviewed some of the features for the Board. No comments or questions were raised.

*Director Perez moved for approval of the proposed budget. Seconded by Director Kelley. Unanimously carried.*

### B. Reorganization of Officers

Director Hanks asked what is the protocol regarding rotation of the chairs. Phil Rosentrater responded that traditionally, in an effort to maintain balance and fairness between north- and south-end agencies, the chairman position rotates annually between north- and south-end Board members.

#### 1. Election of President of Board

Director Kelley recommended staying with that annual change in leadership and the continual rotation and he would move back to the bottom of the list.

*Director Kelley moved that Director O'Dowd move up to the position of President. Seconded by Director Hanks. Unanimously carried.*

#### 2. Election of Vice-President of Board

Supervisor Perez nominated Direct Estrada for the position of Vice-President. Director Estrada declined graciously - having served the remainder of the Director Benoit's term as treasure, he would like to remain treasurer if the board would agree. Director O'Dowd additionally explained that part of the rotation tradition is that the president and vice-president are selected from agencies at opposite ends of the Sea. He expressed appreciate for Director Perez's nomination and has the highest regard for Director Estrada, but would nominate Director Hanks as the Vice-President. In keeping with the rotation needing someone from the south end as Vice-President, Director Hanks accept the nomination. Supervisor Perez, with approval of Director Estrada, rescinded his nomination in order to maintain that rotation.

*Director O'Dowd moved that Director Hanks be elected as Vice-President. Seconded by Director Perez. Unanimously carried.*

#### 3. Election of Treasurer of Board

*Director Hanks moved that Director Estrada continue as Treasurer. Seconded by Director O'Dowd. Unanimously carried.*

#### 4. Election of Secretary of Board

With Director Torteز absent, Director Hanks asked Director Santillanes to nominate Director Torteز as Secretary..

*Director Santillanes moved that Director Tortez be elected Secretary. Seconded by Director Hanks. Unanimously carried.*

As a side note, Director Hanks recommended that the SSA adopt a policy regarding the absence of board members. This was discussed a little, and Director Hanks asked that it be put on the agenda next meeting.

## **II. DISCUSSION ITEM**

### **A. Ad Hoc Legislative Committee**

Phil Rosentrater explained the Ad Hoc Committee concept.

Director O’Dowd said that he had asked Phil to put this on the agenda. He then made a motion to approve having an Ad Hoc Legislative Committee; Director Perez seconded the motion. Lengthy discussion followed, and Director Hanks consulted with Antonio Ortega, IID’s Governmental Affairs Officer during the discussion. Currently, each agency develops its own legislative platform, then the legislative staff of the member agencies get together annually to work on a proposed legislative platform for the Salton Sea Authority that is then submitted to the SSA Board for approval. The proposed ad hoc legislative committee would not override that process. Any items in conflict between agencies would be noted as “watch,” not “support” unless the SSA Board votes to support it.

Director Kelley recapped that the ad hoc committee would review new legislation that appears after the platform has been approved, would discuss it and bring it back to the board for final approval before any advocacies would begin. The committee cannot take action on its own; no action could be taken without a vote of the Board.

*Director O’Dowd moved that the formation of an ad hoc legislative committee be approved. Seconded by Director Perez. Unanimously carried.*

## **VII. REPORTS**

### **A. General Manager’s Report on Activities**

Director Kelley asked the Board if they had any questions on the General manager’s report Phil Rosentrater, SSA GM/Executive Director, had submitted in advance of the meeting. There were no questions.

### **B. Legislative Update**

Phillip Johnson, SSA Assistant Executive Director, reviewed the written legislative update report for the Board.

AB 798 has changed, it is Assemblymember Garcia’s bill, and they have chosen Senator Hueso’s track, for Imperial county only, now.

Director Estrada wanted it noted that CVWD met with Assemblymember Eduardo Garcia to say that CVWD is not supportive of AB 1562.



### C. Standing Report

#### 1. FEDERAL: US Bureau of Reclamation

Phil Rosentrater reported that the Bureau of Reclamation staff was not able to attend the meeting, but he had spent the entire day with them the day before, along with SSA staff and California Natural Resources assistant secretary, meeting with a series of tribes in the valley, in keeping with SSA's commitment to the State and the Bureau to help broker local/state/federal meetings to provide a unified coordination. A missing ingredient in many conversations has been the Tribes, so Salton Sea Authority is deliberately coordinating these meetings on a quarterly basis.

#### 2. STATE: Salton Sea Management Program Community Workshops

In CNRA Assistant Secretary Bruce Wilcox's absence, Josh Zipperman, who is working under Bruce Wilcox, reported on a recent, well-attended and well-received, SSMP 10-year plan community workshop in Mecca and gave dates and locations of upcoming workshops. Mr. Zipperman is with Burke | Rix Communications, a local public relations/government affairs/communications firm, specializing in community outreach, that was hired through the Tetra Tech team by the State and the Department of Water Resources.

### D. RCPP Update

Kay Pricola, Executive Director of the Imperial Valley Vegetable Growers Association [IVVGA] and Coalition of Labor, Agriculture, and Business for Imperial Valley [COLAB], gave detailed information about what the three areas of concern the Regional Conservation Partnership Program grant covers. The partnership was formed in 2015 and they were able to get a federal grant for \$2.5M. She credited Lisa Moore with writing the grant. Directors Estrada and Perez asked why Riverside County was not participating in this and asked that Riverside be included in this process. Phil Rosentrater explained that the grant is limited to agriculture land and this is being used as a spring board for future Federal grants.

E. There was no Salton Sea Action Committee (SSAC) report.

## VIII. ADJOURNMENT

There being no further business, Board President Ryan E. Kelley adjourned the meeting at 11:45a.m.

### **NEXT MEETING TIME & LOCATION:**

**Thursday, September 28, 2017**

10:00 a.m.

Coachella Valley Water District  
Steve Robbins Administration Building  
75515 Hovley Lane East  
Palm Desert, CA 92260  
(760) 398-2651

**Warrant Register**  
**May 1, 2017 through June 30, 2017**



<b>Warrant Date</b>	<b>Warrant Number</b>	<b>Vendor Name</b>	<b>Amount</b>
05/03/2017	16208	Bravata, Lisa	284.02
05/03/2017	16209	Rosentrater, Phil	253.18
05/03/2017	16210	Sampson, GJ Acct	4,468.00
05/08/2017	EFT	FedEx	70.18
05/10/2017	EFT	Rabobank Credit Card	621.05
05/10/2017	EFT	Pitney Bowes	5.69
05/15/2017	EFT	Pitney Bowes	91.02
05/16/2017	EFT	FedEx	36.99
05/16/2017	EFT	American Express	4,707.70
05/17/2017	16211	Alliant Consulting Inc	162.50
05/17/2017	16212	Best, Best & Krieger	4,804.65
05/17/2017	16213	OfficeTeam	9,726.52
05/17/2017	16214	Platinum Consulting Group L	425.00
05/17/2017	16215	SystemGo IT LLC	7,322.83
05/24/2017	EFT	Verizon Wireless	187.83
05/28/2017	EFT	Rabobank	25.00
06/06/2017	16216	Alliant Insurance Service	1,200.00
06/06/2017	16217	Johnson, Phillip	508.14
06/06/2017	16218	OfficeTeam	4,670.90
06/06/2017	16219	RivCo EDA	13,466.22
06/06/2017	16220	Rosentrater, Phil	58.31
06/06/2017	16221	Sampson, GJ Acct	6,403.00
06/06/2017	16222	WESTCAS	220.00
06/07/2017	EFT	Rabobank Credit Card	3,023.53
06/09/2017	EFT	American Express	5,379.23
06/10/2017	EFT	Pitney Bowes	88.09
06/19/2017	EFT	FedEx	9.75
06/21/2017	EFT	Verizon Wireless	187.83
06/28/2017	EFT	Rabobank	25.00
<b>Total \$</b>			<b>68,432.16</b>

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**Warrant Register**  
**July 1, 2017 through July 31, 2017**



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<b>Warrant Date</b>	<b>Warrant Number</b>	<b>Vendor Name</b>	<b>Amount</b>
07/06/2017	EFT	FedEx	22.39
07/18/2017	EFT	Rabobank Credit Card	1,653.89
07/18/2017	EFT	American Express	4,920.28
07/21/2017	16223	Alliant Consulting Inc	1,663.75
07/21/2017	16224	Alliant Insurance Service	636.20
07/21/2017	16225	Best, Best & Krieger	3,608.90
07/21/2017	16226	CalDesal	5,000.00
07/21/2017	16227	Johnson, Phillip	508.14
07/21/2017	16228	OfficeTeam	10,175.22
07/21/2017	16229	Petty Cash	69.65
07/21/2017	16230	Platinum Consulting Group LLC	85.00
07/21/2017	16231	RivCo EDA	13,237.38
07/21/2017	16232	Riverside County	20,000.00
07/21/2017	16233	Rosentrater, Phil	78.11
07/21/2017	16234	Sampson, GJ Acct	3,253.00
07/21/2017	16235	SystemGo IT LLC	1,348.00
07/22/2017	16236	OfficeTeam	8,672.11
07/25/2017	EFT	Verizon Wireless	386.38
07/27/2017	16242	Best, Best & Krieger	3,209.30
07/27/2017	16238	Petty Cash	111.82
07/27/2017	16239	Seroy, Linda	129.31
07/31/2017	EFT	Rabobank	25.00
<b>Total \$</b>			<b>78,793.83</b>

## Memorandum

**To:** Salton Sea Authority Board of Directors  
**From:** Phil Rosentrater, GM/Executive Director  
**Date:** September 28, 2017  
**Re:** Salton Sea Authority Position on SWRCB Draft Order for Stipulate Agreement Amending the QSA  
**CM No.** VI.A – 09/28/2017

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### **GENERAL:**

The State Water Resources Control Board is seeking comment on the state's Salton Sea Management Program (SSMP) 10-Year Plan and a related Draft Stipulated Order Revising WRO 2002-0013 (revised). Parties to the 2003 Quantification Settlement Agreement (QSA), some of whom who are also members of the Salton Sea Authority, pressed for this action by the SWRCB for the purpose of gaining greater surety from the state regarding its fulfilment of obligations for Salton Sea management under terms of the water transfers established by the QSA.

The Draft Stipulated Order was jointly negotiated between State Water Resources Control Board, Imperial Irrigation District, Imperial County, and San Diego County Water Authority and released in advance of a September 7, 2017 informational workshop focused upon the Draft Order and the Phase 1 projects of the SSMP (a.k.a., 10-Year Plan). Members of the SSA Board may recall that IID and Imperial County initiated this process by filing a petition to the SWRCB demanding demonstration of the proof of its commitment to address impacts at the Sea that may arise when flows of mitigation water to the Salton Sea will terminate at the end of this year.

While the SSA Board adopted a position of support toward this petition, the Authority also underscored the value of all parties working together to preserve the integrity of the water transfers agreed upon under the conditions of the QSA.

The SSA was not formally engaged in the negotiations of this Order and requested from the SWRCB the opportunity to reserve comment on the Order until after the SSA Board of Directors had opportunity to meet and discuss the matter in an open and transparent manner at the next regularly scheduled public meeting of the SSA Board (Sept. 28, 2017).

The SSA was directly involved in the development of plans that served as the foundation for the SSMP, however. In accord with state law (AB 71 – M. Perez) directing the California Natural

Resources Agency to “work in consultation and cooperation with the Salton Sea Authority” on matters pertaining to Salton Sea restoration, the SSA and its member agencies developed a Financial Feasibility Action Plan that delivered a conceptual plan for Sea revitalization that was realistic and feasible from the standpoint of water budget, infrastructure needs, funding limitations, and achievable timelines.

The FFAP provided a long-term conceptual plan that combined emerging state and federal projects with plans promoted by SSA member agencies (Salton Sea Renewable Energy Initiative and Perimeter Lake concepts). The FFAP called for protecting a minimum of 30,000 acres of otherwise exposed shoreline, providing air quality protection and habitat preservation while integrating needs for potential renewable energy development and recreational activities. The SSA Board delivered the FFAP as a dynamic plan, on time and under budget, to the California Natural Resources Agency.

The CNRA has been refining the FFAP since May 2015, to create the SSMP. The petitioners to the SWRCB, namely IID and Imperial County, requested greater specificity from the state regarding the immediate actions and commitments to be delivered by the state in the SSMP. As a result, the Phase 1 subset of shovel-ready projects emerged last year as the basis of the 10-Year Plan, and the Draft Stipulated Order emerged to provide guidance for state oversight through the SWRCB.

The current Draft Stipulated Order requests the SWRCB to assert guidance and authority over the implementation of the 10-Year Plan as a means to fulfil the state obligations under the QSA. The Draft Stipulated Order provides empirical milestones and timelines designed to incrementally address the critical environmental and public health issues integral to managing the Sea as it is reconfigured to account for water loss and rising salinity.

The Draft Stipulated Order now under consideration by SWRCB marks a unique moment in the history of the Salton Sea in defining state commitments to honor its obligations for Salton Sea management under the water transfers established in the Quantitative Settlement Agreement (QSA).

Given that the delivery of mitigation water to the Salton Sea is to end on Dec 31, 2017 (per QSA), SSA staff recommends Board consider supporting SWRCB adoption of this Draft Stipulated Order as a pragmatic means to begin to achieve long held SSA objectives. This forward momentum is warranted, in staff view, to engage the state in investing, managing and maintaining a smaller but sustainable Salton Sea that protects citizens from emissive exposed playa, restores wildlife habitat, and creates economic value where feasible. These SSA objectives upheld by SSA Boards past and present, are most effectively achieved with progress now, before inaction forecloses on these shared outcomes.

The work of the SSA and its partners is not completed with action to implement the Draft Order and the 10-Year Plan – but it can finally be started in earnest. Neither the Draft Order nor the 10-Year Plan fully address the long term needs of the Sea. The enforcement mechanisms for breach of agreement are still weaker than many parties would prefer. Funding committed from the state to fulfill this first Phase is still only fractionally in view. The funds and priorities in the 10-Year Plan shift enormous weight to areas in the southern end of the Sea with comparatively little to share for communities in the north and western shores.

Yet, the Draft Order and 10-Year Plan, as inadequate, inequitable and minimalist as they may be, demonstrate progress toward a consensus of first steps. SSA staff recommends that the SSA Board take the first steps forward on this path to provide leadership in maintaining consensus and building momentum that begins to accomplish the Salton Sea Authority's objective of a Salton Sea that will be healthier for habitat and humans, and potentially more prosperous than the tragic situation that will occur if the state does not honor its commitments in the QSA. It's not perfect, and it is by no means everything the Salton Sea Authority ultimately expects as a state contribution to fulfill its obligations. But it is at least a credible and accountable start for a long journey toward recovery.

**RECOMMENDATION:**

The Salton Sea Authority staff recommends that the Salton Sea Authority Board should support the Draft Stipulated Order Revising WRO 2002-0013 (revised) currently under consideration for adoption by the California State Water Resources Control Board in recognition of the significant point of consensus among key affected parties on next steps to achieve bona fide progress in the state's Salton Sea Management Plan

Respectfully submitted,

Phil Rosentrater  
GM / Executive Director

- A. Whereas, an immediate, continued, and focused effort to manage a smaller but sustainable Salton Sea is necessary to protect public health and the environment.
- B. Whereas, the Salton Sea Restoration Act, California Fish & Game Code section 2931(a) states that “it is the intent of the Legislature that the State of California undertake the restoration of the Salton Sea ecosystem and the permanent protection of the wildlife dependent on the ecosystem.”
- C. Whereas, the Salton Sea Restoration Act, California Fish & Game Code section 2942 provides that the Secretary of the California Natural Resources Agency (CRNA) shall lead the state’s efforts to restore the Salton Sea.
- D. Whereas, the California Natural Resources Agency (CNRA) has prepared Phase I of the Salton Sea Management Program (SSMP) in furtherance of its Salton Sea Restoration objectives and is committed to constructing and maintaining habitat and dust-suppression projects that address public health and environmental concerns. The SSMP contemplates future phases, and a long-range plan.
- E. Whereas, the Imperial Irrigation District (IID) filed a petition with the State Water Resources Control Board (Board) on November 18, 2014, seeking to have the Board enter an order to ensure success of Salton Sea Restoration.
- F. Whereas, the Board conducted workshops in 2015 and 2016 to examine issues related to Salton Sea restoration.
- G. Whereas, on August 31, 2016, CNRA entered into a Memorandum of Understanding with the United States Department of the Interior that provides, in pertinent part, that the State will have a lead role in the cooperative effort to restore the Salton Sea.
- H. Whereas, on January 18, 2017, CNRA and the United States Department of the Interior entered into an Addendum to the Memorandum of Understanding expressly identifying the importance of Salton Sea restoration as a critical component of plans for maintaining California’s long-term water supply reliability.
- I. Whereas, on March 15, 2017, IID filed a motion with the Board seeking to have an evidentiary hearing to address its November 18, 2014 petition regarding Salton Sea Restoration.
- J. Whereas, in addition to the mitigation requirements imposed by the federal and state endangered species laws, the California Environmental Quality Act (Public Resources Code §§21000-21177 et seq.) establishes requirements for the implementation of mitigation measures imposed to minimize the projected significant impacts of the Transfer Project. These mitigation measures and the Mitigation Monitoring & Reporting Program for the QSA transfers are not addressed and are unaffected by this Order.

The State Water Resources Control Board finds and determines as follows:

1. For the reasons set forth in Water Rights Order No. 2002-0013 (revised) and Water Rights Order No. 2002-0016, the delivery of “mitigation water” to the Salton Sea will terminate on December 31, 2017. Mitigation measures shall continue to proceed pursuant to the Mitigation Monitoring & Reporting Program as provided in the “Water Conservation and Transfer Project” Environmental Impact Report and Environmental Impact Statement certified by IID and Amended and Restated in a September 2003 Addendum and incorporated into Water Right Order No. 2002-0013 (revised) including the four-step air quality plan outlined therein.
2. Water Right OrderNo. 2002-0013 (revised) is hereby modified by adding the following paragraphs as new independent conditions 19-27 pertinent to Salton Sea Restoration:

19. The Board finds and declares that restoration of a smaller but sustainable Salton Sea is feasible, that the State of California will lead and coordinate management efforts, and that implementation of projects to protect or improve air and water quality and wildlife habitat will be completed forthwith to avoid severe consequences to the State of California as a whole, to the health of Imperial and Coachella Valley residents, and to multiple wildlife habitats that exist at the Salton Sea and serve the Pacific Flyway.

20. The Board further finds and declares that successful management of a smaller but sustainable Salton Sea will require the active participation and support of the federal government, affected local and regional governing bodies, affected tribal governments, environmental and philanthropic organizations, and the State of California. While the importance, cost and scale of this endeavor will exceed what can be expected from any single entity, the State has acknowledged that its role as a catalyst is essential in advancing the cause of restoration.

21. The Board further finds that the ability to successfully manage a smaller but sustainable Sea will require cooperation from non-state property owners, surface lease holders, surface and subsurface mineral rights owners as well as air quality management districts with jurisdiction over the Sea to ensure land use entitlements are secured expeditiously and management project design is compatible with existing land use and water conveyance infrastructure.

22. The Board further finds that successful management of the exposed Salton Sea lakebed requires the cooperation of the State of California and air quality managers with jurisdiction over the Sea to develop future air quality projects.

23. Consistent with Recitals B, C, and D [of this Order], in addition to currently planned and funded habitat projects (Red Hill Bay, Torres Martinez wetlands and Species Conservation Habitat) and all QSA JPA funded Salton Sea mitigation projects, restoration milestones detailed below are necessary to address public health and environmental concerns:

- a. By January 1, 2019, construction of habitat and dust-suppression projects shall be completed on 500 acres of exposed playa.
- b. By January 1, 2020, construction of habitat and dust-suppression projects shall be completed on an additional 1,300 acres of exposed playa.
- c. By January 1, 2021, construction of habitat and dust-suppression projects shall be completed on an additional 1,700 acres of exposed playa.
- d. By January 1, 2022, construction of habitat and dust-suppression projects shall be completed on an additional 3,500 acres of exposed playa.
- e. By January 1, 2023, construction of habitat and dust-suppression projects shall be completed on an additional 1,750 acres of exposed playa.
- f. By January 1, 2024, construction of habitat and dust-suppression projects shall be completed on an additional 2,750 acres of exposed playa.
- g. By January 1, 2025, construction of habitat and dust-suppression projects shall be completed on an additional 2,700 acres of exposed playa.
- h. By January 1, 2026, construction of habitat and dust-suppression projects shall be completed on an additional 3,400 acres of exposed playa.
- i. By January 1, 2027, construction of habitat and dust-suppression projects shall be completed on an additional 4,000 acres of exposed playa.



- j. By January 1, 2028, construction of habitat and dust-suppression projects shall be completed on an additional 4,000 acres of exposed playa.
  - k. By January 1, 2029, construction of habitat and dust-suppression projects shall be completed on an additional 4,200 acres of exposed playa.
24. No less than 50% of the acreage described in paragraph 23 shall provide habitat benefits for fish and wildlife that depend on the Salton Sea ecosystem.
25. CNRA will develop subsequent 10-year phases of the SSMP based upon available information, with the development of each phase commencing no later than midway through each current phase. Beginning with the development of Phase II, and in close coordination with stakeholders, CNRA will develop a long-term plan by no later than December 31, 2022.
26. Annual milestones are cumulative and if they are not achieved or exceeded in any given year, the amount of the shortfall or excess in that year will carry over to the following year.
27. No later than March 31 each year, the Board will hold a public meeting to receive oral and written comments on the status of Salton Sea Restoration, including a report from state agencies identifying: (i) completed projects and milestones achieved in the prior year; (ii) amount of acreage of completed projects that provide dust suppression and habitat, broken down by habitat type; (iii) upcoming projects to be completed and milestones to be achieved prior to the next annual progress report; (iv) the status of financial resources and permits that have not been secured for future projects; (v) any anticipated departures from the dates and acreages identified in paragraph 23; and progress toward development of the long-range plan described in paragraph 25. Should an annual milestone shortfall exceed 20 percent of a year's annual obligation for more than two consecutive years, the report will also include a plan that will cure the deficiency within 12 months.
28. The Board reserves jurisdiction to further amend conditions 19-27 of this order as necessary to ensure Salton Sea Restoration throughout the term of the QSA through its continuing jurisdiction under this order.

## Staff Report

**To:** Salton Sea Authority Board of Directors  
**From:** Phillip Johnson, Assistant Executive Director, SSA  
**Date:** September 28, 2017  
**Re:** **Legislative Update**  
**CM No.** **VII.B – 09/28/2017**

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Staff members from agencies of the Salton Sea Authority are coordinating a unified response to threats and opportunities in the legislative arena at both the state and federal levels.

SSA and its member agencies jointly engaged in the following activities to drive legislative and policy initiatives supported by the Salton Sea Authority Board of Directors:

California Senate/Assembly Bill Summaries

**SB-5 (De Leon) California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018.**

**SSA Position:** **SUPPORT**

**Status:** **Enrolled Sept. 16, 2017.**

SB 5 would authorize the issuance of \$4 billion in State General Obligation bonds to finance parks, water, climate adaptation, coastal protection, and outdoor access programs. This bond would be placed on the June 5, 2018 statewide primary direct election.

The main funding categories for the bond are as follows: 1) safe neighborhood parks in park-poor communities; 2) local and regional parks; 3) state parks, with a focus on deferred maintenance in existing parks; 4) trails and waterfront access; 5) rural community recreational needs; 6) river parkways; 7) state conservancies and regions

not covered by conservancies; and 8) habitat needs, including wildlife corridors, climate change adaptation, and healthy soils and forests.

Of note for the SSA this bond would specifically grant \$30 million to the Salton Sea Authority. Of this amount, not less than \$10 million shall be available for purposes consistent with the New River Water Quality, Public Health, and River Parkway Development Program.

This bond also grants \$170 million to the California Natural Resources Agency for restoration activities identified in the Salton Sea Management Program Phase 1: 10-Year Plan.

### **SB-701 (Hueso) State Resources Obligations Act of 2018**

**SSA Position:        SUPPORT**

**Status:                Placed on APPR. suspense file. Held in committee and under submission on Sept. 1, 2017.**

SB 701 would advance a state general obligation bond for the 2018 primary or general election ballot to fulfill the state's resources settlement obligations in a variety of conflicted areas throughout the state, including Salton Sea restoration and QSA implementation.

If the Salton Sea Obligations Act of 2018 is approved by the voters that would authorize the issuance of bonds in the amount of \$500 million pursuant to the State General Obligation Bond Law to finance a program to comply with specified state obligations relating to the Salton Sea.

### **SB-615 (Hueso) Salton Sea restoration**

**SSA Position:        Recommend SUPPORT**

**Status:                Enrolled Sept. 13, 2017.**

SB 615 would specify that any barrier in the Salton Sea within or below the minus 220 foot contour based on the North American Vertical Datum of 1988 shall be considered a dam and would provide that the construction of facilities to separate fresh water from highly saline water for the purposes of implementing restoration activities pursuant to the act shall not be subject to review, approval, inspection, or fees associated with certain laws relating to dams and reservoirs.

This bill would also name the state's comprehensive management plan for the Salton Sea the "John J. Benoit Salton Sea Restoration Plan," and would recognize the State Water Resources Control Board's role in the restoration of the Salton Sea, and the Legislature further recognizes that timely implementation of a 10-year plan for a smaller but sustainable Salton Sea is best served and effectuated through the State Water Resources Control Board's continuing jurisdiction over this evolving subject matter and its attendant restoration efforts.

**AB-18 (Garcia) California Clean Water, Climate, Coastal Protection and Outdoor Access for All Act of 2018.**

**SSA Position:        SUPPORT**

**Status:                Re-referred to Com. on APPR on September 1, 2017.**

AB 18 would authorize the issuance of \$3.47 billion in State General Obligation bonds to finance parks, water, climate adaptation, coastal protection, and outdoor access programs. This bond would be placed on the June 5, 2018 statewide primary direct election.

The main funding categories for the bond are as follows: 1) safe neighborhood parks in park-poor communities; 2) local and regional parks; 3) state parks, with a focus on deferred maintenance in existing parks; 4) trails and waterfront access; 5) rural community recreational needs; 6) river parkways; 7) state conservancies and regions not covered by conservancies; and 8) habitat needs, including wildlife corridors, climate change adaptation, and healthy soils and forests.

Of note for the SSA this bond would specifically grant \$300 million to the Salton Sea Authority. Of this amount, not less than \$20 million shall be available for purposes consistent with the New River Water Quality, Public Health, and River Parkway Development Program. This funding provides the basis for the SSA Board of Directors to support AB 18.

The Senate bill version, SB-5 California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 introduced by Senator De León of note grants \$30 million to the Salton Sea Authority and \$170 million to the California Natural Resources for California Natural Resources Agency for restoration activities identified in the Salton Sea Management Program Phase I: 10-Year Plan.

## **AB-920 (Aguiar-Curry) Electricity: integrated resource plans.**

**SSA Position: Watch**

**Status: Referred to APPR. suspense file. In committee: Held under submission on Sept. 1, 2017**

AB 920 mandates that the CPUC, when reviewing each load-serving entity's integrated resource plan, to evaluate the mix of resources in the load-serving entity's total resource and renewable resource portfolios to ensure balanced portfolios with an appropriate mix of renewable capacity, including peaking, dispatchable, baseload, firm, and as-available capacity and would require the CPUC to assess the need for, and benefits of, existing and new renewable baseload generation and consider whether to establish procurement requirements for renewable baseload generation.

AB 920 would require the governing board, when reviewing the local publicly owned electric utility's integrated resource plan, to evaluate the mix of resources in the utility's total resource and renewable resource portfolios to ensure balanced portfolios with an appropriate mix of renewable capacity, including peaking, dispatchable, baseload, firm, and as-available capacity and would require the governing board to assess the need for, and benefits of, existing and new renewable baseload generation and consider whether to establish procurement requirements for renewable baseload generation for the utility. By placing additional requirements upon local publicly owned electric utilities, the bill would impose a state mandated local program.

### Federal Bill Summaries

## **S-32 (Feinstein) - California Desert Protection and Recreation Act of 2017**

**SSA Position: Support**

**Status: Introduced to the Senate on Jan. 5, 2017. Read twice and referred to the committee on Energy and Natural Resources on Jan. 5, 2017. Committee on Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining. Hearings held on July 26, 2017.**

Of note for the SSA the "disposition of revenues" section has remained the same as in S. 2568, the previous year's bill concerning this issue. The specifics that affect SSA and "of note" this only applies to the development of wind or solar energy land managed by the BLM are as follows:

- 25% of the payments go to counties involved.
- 35% of the payments go to “Renewable Energy Resource Conservation Fund” which is managed by the Secretary of the Interior.
- Areas that are eligible for such “funds” that are of note for the SSA are ones around wind or solar development areas that need restoring and protecting such as: wildlife habitat, wildlife corridors, and water resources.

With the “disposition of revenues” section in mind the SSA should support S-32 going forward.

#### Terminology Reference

**Chaptered** - After a bill has been signed by the Governor, the Secretary of State assigns the bill a Chapter Number, for example, “Chapter 123, Statutes of 1998,” which subsequently may be used to refer to the measure.

**Held under submission** - action taken by a committee when a bill is heard in committee and there is an indication that the author and the committee members want to work on or discuss the bill further, but there is no motion for the bill to progress out of committee. This does not preclude the bill from being set for another hearing.

**Inactive file** - The portion of the Daily File containing legislation that is ready for floor consideration, but, for a variety of reasons, is dormant. An author may move a bill to the inactive file if he or she wishes to take it up at a later date. Once a bill is on the inactive file, one day’s public notice is needed to place it back on the agenda.

**Suspense File** - A bill or set of bills, with a fiscal impact, set aside in Appropriations committee by a majority of Members present and voting. These bills may be heard at a later hearing.